



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman

www.waterboards.ca.gov/northcoast

5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

January 19, 2007

Ms. Janice Smith
Trinity County Department of Transportation
P.O. Box 2490
Weaverville, CA 96093

Dear Ms. Smith:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Lewiston Road at Dark Gulch Culvert Repair Project

File: Trinity Co. DOT – Lewiston Rd. at Dark Gulch Culvert Repair
(WDID No. 1A06124WNTR)

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of Trinity County (applicant), for Water Quality Certification for activities related to the culvert repair project located on Dark Gulch at Lewiston Road in Lewiston, Trinity County. On August 28, 2006, the Regional Water Board received your application and a \$500.00 processing fee. On December 6, 2006, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any public comments on this project.

Project Description: Dark Gulch is an intermittent stream that is tributary to the Trinity River approximately four miles downstream of Lewiston Dam. Heavy runoff in Dark Gulch during January 2006 caused mud and other debris to clog the inlets of a 24-inch diameter culvert (lower culvert) and a 36-inch diameter overflow culvert that is directly above the lower culvert. The lower culvert is 120 feet long with a 72-inch vertical slotted riser and trash rack. The 36-inch culvert is 90 feet long with a downspout on the outlet end. Both culvert inlets are completely buried under approximately 1,000 cubic yards of mud and debris. The mud and debris is approximately twelve feet deep to the invert of the lower culvert. Water is trickling through the partially plugged lower culvert. The

California Environmental Protection Agency

Recycled Paper

culvert outlets are adjacent to each other in the same channel. The overflow culvert is not flowing.

The project involves excavating the inlet area to remove the mud and debris. The culvert inlets will be accessed from the road shoulder and by driving over the flat area created by the mud and debris. The area within ten feet of the culvert riser will be excavated to expose the bottom of the lower culvert. After the debris is cleared from around the inlet area, the culverts will be flushed. Temporary sediment check dams will be installed below the outlet to collect the sediment that is flushed out of the culverts. The outlet channel will be accessed by an existing road on the neighboring property.

The culverts will be repaired or replaced if necessary. Culvert replacement would involve excavation of the roadbed material to remove and replace the culvert in the same alignment. The temporary check dams and captured sediment will be removed from the channel following the culvert flushing and repair activities. The culverts could contain up to thirty-eight cubic yards of sediment. Excavated and captured materials will be stockpiled and contained at a designated Trinity County soil stockpile area at Post Mile 0.1 on County Road 231.

The inlet excavation will extend outward and upward at a two-to-one slope beginning at the base of the excavation at the inlets. The top edge of the finished slope will be approximately 35 feet from the inlets. The lower six feet of the excavation slope will be covered with a geotextile fabric to prevent saturated sediment from sloughing into the excavation, and the fabric will be covered with rock slope protection.

Most of the vegetation around the inlets was destroyed by the mud and debris. The mature conifers that were not harmed by the debris will not be disturbed. All disturbed areas in the project area will be reseeded after the necessary repairs are completed. The proposed project is scheduled for the summer 2007 when the drainage, mud and debris are dry. The project is expected to take approximately three weeks to complete.

Receiving Waters: Dark Gulch in the Douglas City Hydrologic Subarea No. 106.31

Latitude/Longitude: 40.70119N/122.83665W

Filled or Excavated Area: Area Temporarily Impacted: Installation and removal of the temporary sediment check dams and removal of the sediment flushed from the culverts will result in approximately 0.005 acre of temporary impacts to the streambed below the culvert outlets.

Area Permanently Impacted: Installation of the fabric liner and rock slope protection around the inlets will result in approximately 0.014 acre of permanent impacts to the streambed and banks.

Total Linear Impacts: Length Temporarily Impacted: 50 feet of streambed

Length Permanently Impacted: 55 feet of streambed and banks

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 3.

Compensatory Mitigation: None

Noncompensatory Mitigation: Noncompensatory mitigation for this project includes the use of Best Management Practices (BMPs) for heavy equipment use near a waterway, and for sediment and erosion control. All disturbed areas in the project area will be reseeded after the culvert repairs are completed.

CEQA Compliance: The Regional Water Board has determined that this project will have no significant effect on the environment and is categorically exempt from CEQA (Class 1, Section 15301 – Existing Facilities).

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.

Formatted: English (U.S.)

- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify Regional Water Board staff at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 3) All activities and BMPs shall be implemented according to the submitted application and the conditions in this Water Quality Certification.
- 4) Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.

- 5) Adequate BMPs for sediment and turbidity control shall be implemented and in place during and after construction.
- 6) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment which leaks any substance that may impact water quality. If, at any time, an unauthorized discharge to surface waters occurs from operation, fueling, lubrication, maintenance, storage or staging activities, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 7) No bark, slash, sawdust, oil or petroleum products, or other organic or earthen material, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. If, at any time, an unauthorized discharge of bark, slash, sawdust, oil or petroleum products, or other organic or earthen material to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 8) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 9) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 10) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 11) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify

the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Dark Gulch Culvert Repair Project, (Facility No. 1A06124WNTR) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

This Order may be terminated or modified for cause, including, but not limited to: (a) violation of any condition contained herein; (b) misrepresentation or failure to

California Environmental Protection Agency

Recycled Paper

disclose fully all relevant facts; and (c) change in any condition that requires either a temporary or permanent reduction or elimination of the certified discharge.

Any violation or threatened violation of the conditions in this Order shall be subject to any remedies, penalties, process or sanctions under state law, including civil liability under Water Code section 13385.

Expiration: The authorization of this certification for any dredge and fill activities expires on January 19, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

011907_DLP_trinitydotdarkgulch401cert.doc

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333
Market Street, San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA
95502

California Environmental Protection Agency

Recycled Paper